

Official Form 417A (12/23)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

WORCESTER, ss.

In re:

WESTBOROUGH SPE LLC,

Debtor.

LOLONYON AKOUETE,

Creditor/Appellant,

v.

JONATHAN GOLDSMITH, Chapter 7 Trustee,
Nathanson & Goldberg, P.C, Petitioning Creditor
The MobileStreet Trust, Petitioning Creditor,
Town of Westborough, Creditor,

Appellees

Case No. 23-40709-CJP
Chapter 7

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): LOLONYON AKOUETE

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☒ Creditor

☐ Trustee

☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:
Order dated 7/25/2024 re: [180] Motion filed by Creditor Lolonyon Akouete for Interim Distribution and Request for Expedited Determination. Request for expedited determination [Dkt. No. 181] of the second motion for interim distribution filed by Lolonyon Akouete [Dkt. No. 180] (the "Second Motion") is denied. Upon consideration of the second motion, the objections of the Chapter 7 Trustee [Dkt. No. 185], the petitioning creditor [Dkt. No. 184], and the Town of Westborough [Dkt. No. 183], the reply of Mr. Akouete [Dkt. No. 186], and the record of this case, the second motion is denied as premature.
2. State the date on which the judgment—or the appealable order or decree—was entered:
July 25, 2024

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

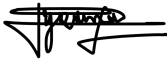
1. Party: Jonathan R. Goldsmith Attorney: Chapter 7 Trustee
Goldsmith, Katz & Argenio P.C.
1350 Main Street, 15th Floor.
Springfield, MA 01103
jgoldsmith@gkalawfirm.com
2. Party: Petitioning Creditors Attorney: Stephen F. Gordon
The Gordon Law Firm LLP
River Place 57 River Street
Wellesley, MA 02481
sgordon@gordonfirm.com
3. Party: Town of Westborough Attorney: Roger L. Smerage
KP Law, P.C. 101 Arch Street,
12th Floor Boston, MA 02110
rsmerage@k-plaw.com

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Date: 07/26/2024

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

Lolonyon Akouete

800 Red Mills Rd, Walkill NY 12589

Info@smartinvestorsllc.com

443-447-3276

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]